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Book Reviews

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Book Reviews



DERBY'S CASES ON CRIMINAL LAW

The third edition of Prof. Derby's Cases on Criminal Law published by Bobbs-Merrill follows the same topical arrangement as his second edition. Many good recent cases have been added bringing the subject up to date. A few cases appearing in the second edition have been omitted. Few of these could have been retained.

As in the second edition, Prof. Derby devotes the first two chapters to Criminal Procedure. This is an excellent plan. Presenting Criminal Procedure first arouses the interest of the student and gives him a foundation to better understand the cases on the substantive law of crimes. The cases on Criminal Procedure are well selected to develop the subject, but there are several matters of Criminal Procedure that are barely touched on. One is the subject of Searches and Seizures which is of so much important now. A few cases on this subject in connection with the section on Arrest would suffice. Another is the matter of Preliminary Hearing or Examination to find Probable Cause in Prosecution by Information which prevails in many states. A few more cases on that would help. In view of the recent agitation for reforms in Criminal Procedure, some reference should have been made in the notes at least to the Criminal Code as prepared by the American Law Institute. Chapters VIII and IX on Defenses could well be studied in connection with Criminal Procedure. Then, too, it would be a great aid to the Professor as well as student, if, at the conclusion of the chapters on Criminal Procedure, notes containing a few forms of complaints, warrants, indictments and informations were added.

Now as to parts of the case book on the Substantive Law of Crimes: It would be a great help if notes were added at the conclusion of Chapter III on Classification of Crimes, containing a brief list of common law felonies and misdemeanors and also a few examples of statutory crimes not crimes at common law.

The Cases on Elements of a Crime, on Criminal Responsibility, on Parties, and on Crimes against Persons, Property and Habitation are well selected with a view of developing each subject, and are such that keep aroused the interest of the student. I think, however, that a chapter of Cases should be added on Crimes against Public Peace, Administration of Justice and Crimes affecting Safety, Health, Morals and General Welfare.

In this review I have mentioned sins of omission as well as virtues of commission. These suggestions are not made by way of adverse criticism of Prof. Derby's excellent case book. I find the book very satisfactory. The new edition is on excellent paper and well-bound—a much desired improvement over the second edition.

March 18, 1930.

THOMAS F. KONOP, *Dean*.

GORDON'S ANNOTATED REAL ESTATE FORMS; by Saul Gordon. The Standard Law Book Company, Inc., New York City, 1929.

In this admirably compiled form book, Mr. Gordon has made a valuable contribution to the already large volume of reference books available to practicing lawyers and law students throughout the United States. As the title of the volume indicates, the work is annotated with decisions from every state of the Union. Of course decisions from all states are not cited to support the legality of every form suggested—that would be impossible. But, so far as practicable, the author selected and incorporated forms which may be effectively and safely used in almost any conceivable transaction involving the sale or transfer of an interest in real estate in any state of the United States. While most of the forms suggested have been, as the author says in his Preface, "distilled in the crucible of litigation," all have been tested by experience and have been actually and satisfactorily used in practice.

A notable feature of the work under review, and one which adds immeasurably to the usefulness of the book, is that forms have been incorporated which pertain to real property, without creating any estate or lien therein—forms not usually found in volumes devoted to real estate forms.

The forms to which the reviewer refers relate to brokerage contracts, ante-nuptial agreements, etc. It is to be noted, however, that despite this striving for completeness, the author has taken pains to see that no forms are incorporated which are elsewhere readily available or that concern matters of purely theoretical interest.

Another worthy feature of the work is that the forms used are in every sense modern; that is, they have been stripped of all redundant and unnecessary verbiage, care having been taken, however, to see that no changes were made in the adjudicated forms which would detract from their authoritative value.

Quick and easy reference may be had by the user to the particular form desired through the very comprehensive table of contents found in the opening pages and through the equally comprehensive word index found in the closing pages of this notable and useful volume—an invaluable feature.

—F. T. READY.

